

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LIFE IS GOOD, INC.,

Plaintiff,

v.

LG ELECTRONICS U.S.A., INC., and
LG ELECTRONICS MOBILECOMM U.S.A.,
INC., (formerly LG INFOCOMM U.S.A., INC.)

Defendants.

Civil Action No. 04 11290 WGY

Hon. William G. Young

**DECLARATION OF TIMOTHY LEMPER
IN SUPPORT OF DEFENDANTS' MOTION IN LIMINE TO STRIKE
THE SURVEY OF PLAINTIFF'S EXPERT ROBERT KLEIN**

I, Timothy Lemper, declare that the following is true and correct under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney at the firm of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, 901 New York Avenue, NW, Washington, D.C. 20001, counsel for Defendants LG Electronics U.S.A., Inc. and LG Electronics MobileComm U.S.A., Inc. ("Defendants") in this case. I am making this Declaration in support of Defendants' Motion in Limine to Strike the Survey of Plaintiff's Expert Robert Klein. This declaration is based on my personal knowledge.
2. A true and correct copy of the expert report of Mr. Robert Klein, Plaintiff's survey expert in this case, is attached as Exhibit 1 to this Declaration.
3. A true and correct copy of excerpts from the transcript of the January 24, 2006 deposition testimony of Mr. Robert Klein is attached as Exhibit 2 to this Declaration.
4. A true and correct copy of the document marked as Exhibit 83 at the January 24, 2006 deposition testimony of Mr. Robert Klein is attached as Exhibit 3 to this Declaration.

5. A true and correct copy of an expert report by Dr. Maureen Morrin, Defendants' marketing expert in this case, is attached as Exhibit 4 to this Declaration.

6. A true and correct copy of excerpts from the transcript of the June 6, 2006 deposition testimony given by Dr. Maureen Morrin is attached as Exhibit 5 to this Declaration.

Executed this 25th day of August, 2006.



Timothy Lemper

CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 25, 2006.

/s/ Timothy A. Lemper